

Application No.: 09/505,915
Amendment dated: June 4, 2004
Reply to Office Action of: December 4, 2003

REMARKS

This amendment is responsive to the Office Action dated December 4, 2003.

The claims pending in this case are 17-40 and 42-205, of which claims 29-38, 59-62, 77-85, 107-110, 171-179, and 201-204 were merely objected to, while claims 17-28, 39, 40, 42-58, 63-76, 86-106, 111-170, 180-200 and 205 were rejected.

Considering the rejections under 35 USC ¶ 112, claims 21, 69 and 163 recite isolation of a vendor site on the basis of purchased data. It is submitted that the merchandise which is tentatively to be purchased clearly is the "*purchase data*." To that end, merchandise code used to select the merchandise constitutes purchased data. Applicant respectfully submits that accordingly claims 21, 69 and 163 are supported.

Claims 23, 71, and 165 now recite isolation on the basis of "*qualification data*." Qualification of vendors is treated extensively in the specification for example, beginning on page 38. Note the comment: "*of course, specific forms of limitations and qualifications maybe implemented depending upon specific applications*." Also: "*the qualifications are generally performed by the qualification unit T28 (FIGURE 5) utilizing information derived from a call that is correlated with reference data from the storage units T24 and T26*." Also, consider the flow diagram of FIGURE 6. In view of the above disclosure, a basis is abundantly established for claims 23, 71 and 165 reciting "*qualification data*."

Claims 26, 74 and 168 now recite "*factors in addition to qualification data*." Clearly, such factors are disclosed in Applicant's specification, as evident from the flow diagram of FIGURE 6.

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Claims 27, 75 and 169 now specify that "*other factors include merchandise data.*" The extensive treatment of merchandise data as a basis for selection clearly establishes a foundation for these claims, as well as the claims 28, 76 and 170 which now specify "*merchandise codes.*"

As presented, claims 22, 70 and 164 all involve communication with a select vendor, and "*cost data.*" The specification describes the use of "*video communication*" to notify vendors specifically as indicated in FIGURE 9. More specifically see page 43, lines 7-20. With regard to FIGURE 9, the "*specific information*" includes cost information, specifically; "*Under \$2.00 net cost.*" Accordingly, claims 22, 70 and 164 are supported. Similarly, claims 25, 72, and 67 are supported in that FIGURE 9 indicates stating a maximum amount by way of one example, i.e. "*Under \$2.00 net cost.*" Note the cosmetic amendment to the above claims. Also, Applicant has canceled claim 24, without prejudice.

Regarding claims 112-158, the single independent claim 112, as currently presented, recites the provision of cost data as described in the specification at page 43 with reference to FIGURE 9. Various cosmetic changes to the claims are deemed to facilitate examination and reconsideration is respectfully requested.

Turning now to the rejections under 35 USC ¶ 102, initial consideration will be given to the Lockwood reference, (U.S. Patent No.: 5,576,951). The pertinent portions of the Lockwood patent appear to be in columns 17, 18 & 19. In that regard, a major concern exists with respect to the manner in which information is selected in response to a customer. In fact, the information is identified on the basis of addressing a memory. That is, "*an information selector unit 279*" seeks "*information which has been specifically addressed---*" (col. 17, line 29). Note

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that the reference patent refers to an "*address code*" (col. 17, line 30), which is the key for information selection.

The Lockwood reference also states that the "*address or access number*" (col. 17, line 43) may be obtained from "*catalogs*" (col. 3, line 44). In summary, a customer simply uses published numbers or addresses to access desired information with reference to accomplishing a transaction. In contrast, Applicant's system involves the use of data on areas of commercial interest relating to merchandise or service, which data is processed to accomplish the selection. In that regard, both the specification and the claims have been amended somewhat cosmetically.

In view of the major distinctions relating to the selection of a vendor site or vendor data based on areas of commercial merchandise or services interest, the claims herein are deemed to be patentable over Lockwood. Furthermore, note the recitations in several of the claims of: "*on-line computer service,*" qualification, price data and, as recognized by the allowed claims, various communication paths.

In view of the present form of the claims and the above comments, reconsideration is respectfully requested with a view toward allowance.

Respectfully, Applicant urges the Examiner to reconsider her rejections in view of the above arguments.

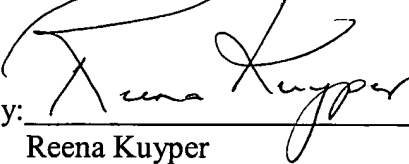
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Favorable consideration and allowance of the claims pending here is respectfully requested.

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9220 Sunset Blvd., Suite 303
Los Angeles, CA 90069
(310) 247-2860

Respectfully submitted,


By: _____

Reena Kuyper
Registration No. 33,830